

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Conf. No.: 1260

HAYASHI et al

Atty. Ref.: 4074-11

Serial No. 10/801,033

Group: 2182

Filed: March 16, 2004

Examiner: Schneider, J.D.

For: CONTROL METHOD, APPARATUS TO BE  
CONTROLLED, AND CONTROL SYSTEM

\* \* \* \* \*

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ELECTION UNDER 35 USC §121**

In response to the Office Action dated July 20, 2006, Applicant elects Group I (the species of Figs. 1-3, claims 1-4, 6-9 and 11) for further prosecution in the event no generic claim is finally held to be allowable.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained.

The Commissioner is authorized to charge the undersigned's deposit account no. 14-1140 in whatever amount is necessary for entry of this Amendment and the continued pendency of the captioned application, including but not limited to any extension of time fees.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

August 10, 2006

By: /H. Warren Burnam, Jr./  
H. Warren Burnam, Jr.  
Reg. No. 29,366

HWB:lsh  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100